



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

January 13, 2004
Heckendorn

Mayor Lowry called the meeting to order at 7:30 pm.

PRESENT: Mayor Chuck Lowry, Councilmembers Betty Heckendorn, Malcolm Hickey, Tom Robinson, Judee Wells (arrived at 7:40 pm), and John Rose (arrived at 8:05 pm).

STAFF: Clerk-Treasurer Sue Ann Spens.

GUESTS: Resident Sheila Justus.

MINUTES: Councilmember Heckendorn moved to approve the December 9, 2003 minutes as amended. Councilmember Robinson seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Wells arrived immediately after this vote at 7:40 pm.

CLERK'S REPORT: Clerk-Treasurer Spens asked that the Council authorize the installation of a separate phone line for the Building Department at Deputy Clerk Donworth's home office. She explained that a separate phone line would give the Building Department a more professional appearance, particularly since most of the building-related calls are from people outside the Village. She added that it would probably cost the Town about \$22 per month. Mayor Lowry asked if the budget would cover this expenditure. Clerk-Treasurer Spens answered that it is not specifically built into the 2004 Budget but can be accommodated. Councilmember Robinson suggested that voice mail be added as a feature rather than depending on an answering machine.

MOTION: Councilmember Heckendorn moved to authorize the installation of a separate phone line for the Building Department at the Deputy Clerk's home office including voice mail. Councilmember Robinson seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

WARRANTS: Clerk-Treasurer Spens explained that she found an error in the December 9th warrant register that reduced its total and asked the Council to reauthorize that warrant list at its new amount. She also reminded the Council that the December 31 warrants and the January 13 warrants must be authorized with separate motions.

MOTION: Councilmember Heckendorn moved to reapprove the December 9, 2003 warrants in the amount of \$15,578.25. Councilmember Wells seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

MOTION: Councilmember Heckendorn moved to approve the December 31, 2003 warrants in the amount of \$4,282.30. Councilmember Robinson seconded.
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

MOTION: Councilmember Heckendorn moved to approve the January 13, 2004 warrants in the amount of \$5,679.26. Councilmember Robinson seconded.
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

MARSHAL'S REPORT: No report.

WABA REPORT: No WABA representative was present.

WATER REPORT: No report.

EMERGENCY PREPAREDNESS: Councilmember Robinson reported that the Town's involvement in the second round of emergency planning begins next month and that if funding becomes available, we may be eligible.

PROPOSED ORDINANCE NO. 289 AMENDING THE TOWN'S ZONING CODE:
Mayor Lowry opened the public hearing at 7:55 pm and briefly reviewed the changes recommend by Town Attorney Stewart.

Councilmember Wells suggested that the phrase "legal non-conforming lot" in Section 5A, be revised to "non-conforming lot", i.e. that the word "legal" be stricken as the ordinance contains a definition for "non-conforming lot" only. It was the consensus of the Council to make this change.

Ms. Justus asked the Council if this ordinance should address tree preservation since that topic is stressed in the Town's Comprehensive Plan. Mayor Lowry answered that the Council plans to address the issue of tree preservation when their work on this ordinance is finished. He added that, if need be, this ordinance will be amended as a result of that study.

(Councilmember Rose arrived at 8:05 pm.)

Councilmember Robinson asked if the language in Section 16B, paragraph 2, creates a situation that compels an owner to bring all of their structure into compliance with the UBC if any remodeling is done to bring a portion of the structure into compliance. After some discussion, it was the consensus of the Council that this paragraph is NOT intended to require a full upgrade. Mayor Lowry asked that the record specifically reflect the Council's intentions.

Councilmember Wells pointed out that Section 16B, paragraph 2 should read "The remodel . . . will be allowed without a variance:

- (a) to reduce . . .
- (b) to make . . .".

She explained that listing the paragraphs in this fashion would improve the clarity and readability of this section.

Mrs. Justus asked why there is no definition of encroachment into the setback. She explained that the definition of setback does not make it clear whether the enclosure of an existing encroachment constitutes an increase in non-conformity and gave the example of the carport on her property. She related to the Council that she and her husband wish to install a garage door on an existing non-conforming carport on their property and were told by the building inspector that they would need a variance as this work would increase the non-conformity of the structure. She stated that she has reviewed this requirement with three attorneys, none of whom agree with this requirement and added that defining what a setback encroachment is or refining the definition of setback might eliminate this confusion.

Mrs. Justus also noted that she has a variance request pending before the Board of Adjustment.

Mayor Lowry suggested that this issue be sent to the Planning Commission for review and recommendations. He then cautioned the Council not to discuss the specifics of Mrs. Justus' variance request as the Council may be called upon to hear an appeal if the variance is denied.

After the Council finished reviewing the remaining changes made by Town Attorney Stewart, Mayor Lowry asked if there were other questions or comments from the public. As there were none, he closed the public hearing at 8:40 pm.

Clerk-Treasurer Spens asked if this ordinance should be renumbered from "289" to "323" to keep it in date-sequence with other recently passed ordinances. Councilmember Wells expressed concern that renumbering the ordinance at this time could create an opportunity for someone to challenge the legality of the ordinance itself and recommended that the ordinance remained numbered "289" even though it will have been passed out of date-sequence. It was the consensus of the Council NOT to renumber this ordinance.

MOTION: Councilmember Rose moved to pass an ordinance adopting the town's land development regulations pursuant to the requirements of the 1990 Growth Management Act; establishing the standards for and regulating the location, use and size of buildings and structures, and the use of land; regulating the use and occupancy of house trailers and similar vehicles or structures; regulating commercial activities; classifying the real property of the Western Academy of Beaux Arts located in the Town of Beaux Arts Village as "Open Space Land"; specifying conditions and permit procedures; permitting advertising; allowing for a roomer; establishing standards for and regulating accessory buildings and land uses; regulating and providing for administration and enforcement and prescribing penalties for violations of the ordinance; and repealing Zoning Code Ordinance Nos. 61, 195, 204, 217, 228, 244, 250, 251, 257, 266 and 313.. Councilmember Hickey seconded.

On discussion, Councilmember Robinson asked about the calculation of basement floor area, particularly for daylight basements. He noted that his home is constructed on a sloping lot, but he was not allowed to exclude any of his basement from GFAR. He explained that the building inspector told him this was because no wall is completely underground and that portion that is underground constitutes less than 40% of the floor area. Clerk-Treasurer Spens will find the UBC definition of basement to see if it sheds any light on the building inspector's explanations.

Vote: 5For, 0 Against, 0 Abstain. Motion carried.

PROPOSED CHANGES TO THE BEAUX ARTS WEBSITE: Clerk-Treasurer Spens outlined briefly the reasons she would like to make some changes to the Town's website before it is migrated to the MRSC servers, where it will be hosted at no charge to the Town.

MOTION: Councilmember Rose moved to authorize Clerk-Treasurer Spens to present proposed website revisions to the Council for review and approval in February.

Councilmember Robinson seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

ARCH ADMINISTRATIVE BUDGET AND WORK PROGRAM: Clerk-Treasurer Spens explained that the documents before the Council are "for information only" at this time. She stated that ARCH is willing to send a representative to the Council meeting to explain the proposed budget and answer questions if the Council desires. It was the consensus of the Council that they do not need ARCH to send a representative this time. Mayor Lowry asked if ARCH could do a presentation at the February Mayors' Meeting instead. Clerk-Treasurer Spens will forward this suggestion to the February host city, Clyde Hill.

Councilmember Wells stated that she enjoyed seeing project pictures when they were distributed one year and asked if ARCH can send either brochures or another set of project pictures in lieu of a presentation. Clerk-Treasurer Spens will check into this suggestion.

MAYOR AND COUNCILMEMBER REPORTS:

Councilmember Heckendorn displayed her written report and asked Clerk-Treasurer Spens to distribute copies to the Mayor and Council for review at their leisure.

Councilmember Rose reported a record response to the Mission Ridge ski weekend.

Councilmember Hickey stated that he has arranged for an arborist to look at a tree on the ROW between Secrest and Matsudaira. He also reported that Bill Beck has estimated it will cost \$500 plus disposal fees to remove the Hertzberg shed that sits on the Town ROW. He added that since the shed is made from railroad ties that contain creosote, their disposal would be very expensive. He commented that the Town has no use for them and should advertise them in an upcoming Town bulletin as being free to anyone who wants to haul them away.

Councilmember Wells reminded Councilmember Hickey that before the ties can be given away, she must first write to Ellie Hertzberg to remind her that the shed must be removed. She added that her letter will explain that if the shed is not removed by a stated deadline, the Town will remove it on her behalf and bill her for the \$750 estimated cost to dismantle the shed and dispose of its materials.

Mayor Lowry reported that he is making progress on finding replacements for former Planning Commissioner Bob Durr whose term expired on 12/31/03. He commented that he is discussing the position with a couple of potential candidates and will bring forward a name for confirmation as soon as possible.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that their next meeting is scheduled for February 10th and will be at Councilmember Robinson's house.

ADJOURN: Councilmember Rose moved to adjourn the meeting at 9:10pm. Councilmember Robinson seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer